

## REMARKS

### Status Summary

In this amendment, no claims are added, and claims 1-25 and 31-40 are canceled. Therefore, upon entry of this Amendment, claims 26-30 will be pending.

### Summary of Telephone Examiner Interview

Applicants appreciate the Telephone Examiner Interview granted them on April 20, 2010. In the Interview, it was agreed that the amendments to claim 26 would be entered without requiring a Request for Continued Examination, as the claim language is similar to claim 40, which has already been examined. In addition, it was agreed that the proposed claim amendments overcome the rejections under 35 U.S.C. § 112 and the rejections under 35 U.S.C. § 103 based on the cited art. Applicants also agreed to make clarifying amendments suggested by the Examiner. The amendments herein and the remarks below are consistent with the remarks in the Telephone Examiner Interview.

### Claim Rejections - 35 U.S.C. § 112

Claims 26-30 and 40 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Office Action indicates that the term "high tensile strength" is indefinite as it is a relative term. The term "high tensile strength" has been replaced by "having a balance of strength and flexibility selected for shock loading." Support for this amendment is found, for example, on page 27, line 32 through page 28,

line 5 of the present specification. It is respectfully submitted that the amendment overcomes the rejection and that the rejection should now be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 26-28 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0115185 to Telford et al. (hereinafter, "Telford") in view of U.S. Patent No. 2,850,890 to Rubenstein (hereinafter, "Rubenstein"). Claim 29 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Telford in view of Rubenstein as applied to claims 26-28 and 30 above, and further in view of U.S. Patent No. 6,145,260 to Morton (hereinafter, "Morton"). Claim 40 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Telford in view of Rubenstein as applied to claims 26-28 and 30 above, and further in view of U.S. Patent Application Publication No. 2004/0144046 to Wang et al. (hereinafter, "Wang"). Each of these rejections is separately and respectfully traversed.

Former claim 40 has been canceled and incorporated into claim 26 such that claim 26 recites a window and wall reinforcement assembly where the wall reinforcement assembly includes a wall adjacent layer formed of a fiber reinforced flexible material and a second layer comprising flexible material reinforcement pieces having a balance of strength and flexibility selected for shock loading.

Claim 26 further recites a transparent assembly having a frame, a transparent panel, and one or more flexible material reinforcement pieces having a balance of strength and flexibility selected for shock loading. The flexible material reinforcement pieces of the transparent assembly extend laterally from the panel to provide non-rigid

attachment of the panel to the frame. Claim 26 further recites that the frame is secured to the reinforcement pieces of the wall reinforcement assembly so that impact loading on the panel is transferred through the frame and to the reinforcement pieces in a non-rigid manner. Support for the amendments to claim 26 is found, for example, on page 29, lines 4-18 and in Figure 11. Accordingly, claim 26 recites a wall and window reinforcement assembly where the window frame of the transparent assembly is attached to the reinforcement members of the wall and where the panel is attached non-rigidly to the frame of the window.

There is absolutely no disclosure, teaching, or suggestion in Telford, Rubenstein, or Wang of a window and wall reinforcement assembly where the frame of the window reinforcement assembly is non-rigidly attached to the reinforcement members of the wall reinforcement assembly and where the transparent panel is non-rigidly attached to the frame as claimed in claim 40. Telford is directed to structural inserts for cinderblocks. In Figure 6, Telford discloses a window opening **25** but does not disclose how the frame or the transparent material attaches to the wall. Accordingly, Telford fails to disclose, teach, or suggest a window and wall attachment assembly where the transparent panel is attached to a frame through non-rigid reinforcement members and where the frame is attached to the non-rigid support members of the wall reinforcement assembly.

Rubenstein likewise lacks such disclosure, teaching, or suggestion. Rubenstein is directed to decorative masonry where concrete blocks are coated with resin. There is no mention of attaching a window or a window frame to reinforcement members as recited in claim 40. Accordingly, the combination of Telford and Rubenstein fails to

disclose, teach, or suggest a window and wall reinforcement assembly where the panel of the window reinforcement is attached non-rigidly to its frame and where the frame is attached to the reinforcement pieces of the wall so that the loading on the panel is transferred through the frame and the reinforcement pieces of the wall reinforcement member in a non-rigid manner.

Wang likewise lacks such disclosure, teaching, or suggestion. Wang is directed to window lights and frames for doors. In Figure 5 of Wang, window frame **30** is directly attached to glass panes **35** and **36**, rather than being attached via reinforcement members as claimed. Accordingly, Wang fails to disclose, teach, or suggest a wall and window reinforcement assembly as claimed.

Although Morton was not used to reject the subject matter of claim 40, which is not incorporated into claim 26, Applicants note that Morton discloses a wall reinforcement mechanism only without specifying how a window or a window frame would attach to such an assembly. Accordingly, it is respectfully submitted that the rejection of claim 26 should be withdrawn.

All of the remaining claims depend from claim 26. Accordingly, it is respectfully submitted that the rejection of these claims should also be withdrawn.

### CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

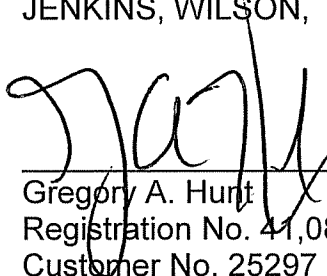
The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. **50-0426**.

Respectfully submitted,

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Date: April 23, 2010

By: \_\_\_\_\_

  
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